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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Conny Larsson

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12/30/2008

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EXAMINER

NGUYEN, PHUNG HOANG JOSEPH

ART UNIT

PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,223	Applicant(s) LARSSON, CONNY	
	Examiner PHUNG-HOANG J. NGUYEN	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed 10/06/2008 has been entered. Claims 1-2 have been amended. No claim has been cancelled. No new claim has been added. Claims 1-7 are still pending in this application, with claim 1 being independent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C.103(a) as being unpatentable over (same inventor) Larsson (W0 98/16071); Hereinafter Larsson'071 in view of Johnson (US Pat 5938722).

As to claims 1 and 7, Larsson'071 (same inventor) teaches a method of achieving the cooperative services in a data system for providing communication service that includes telephone service and data service. Larsson's 071 invention apparently emphasized on a single computer with a capability to perform a telephone and data service where the computer system comprising "a storage device which is caused to contain a predetermined number of transactions in the form of parts of a data program; wherein the computer system fetches from the storage device a number of transactions which are combined together to form a data program for defining and performing said service; wherein when the subscriber orders a service, the service is stored in the form of codes that correspond to certain transactions from a multitude of

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transactions; wherein said codes are stored in affiliation with the subscriber number; and, wherein when the subscriber number is sensed, or read, the computer system fetches said transactions through the medium of said codes and executes said transactions thereby perform said service”, (see *entire Larsson’ 071*). Certainly the current application is a modified system from Larsson’071 teaching where the current application focuses on the plurality of the computer systems are interacting with one another. More precisely, the first and the second computer system connecting to respective communications databases that include communications services transactions stored as transaction references, wherein said computer systems execute communications services in accordance with a data program composed of one or more transactions.

(Examiner has demonstrated in the First Office action that Larsson’071 system is capable of more than one computer systems capable of interacting with one another. However, applicant is not convinced that even his own system (’071) is not up to that intelligent level. With due respect, examiner has found other prior arts that teach the interaction between the plurality of computer systems).

As a point of re-emphasis, the current application does not teaches connecting the first and the second computer system to respective communications databases that include communications services transactions stored as transaction references, wherein said computer systems execute communications services in accordance with a data program composed of one or more transactions

Johnsons teaches "Network 11 includes a plurality of interconnected machines 13. In the preferred embodiment, each machine 13 is a personal computer operating in a local network environment. However, the present invention is applicable to other executable programs in other communications network environments, such as Automatic Response Units (ARUs) in telephone systems. Each machine 13 is identified uniquely in the network by a unique machine address (MA). The machine address can take any of several embodiments, such as physical communications adapter address, local adapter address, hardware serial number, logical name, TCP/IP address, or the like, provided that the addressing scheme is consistent and unambiguous within the network environment. The machine addresses provide a means by which each machine in the network can be uniquely identified", (*col. 2, line 60 – col. 3, line 9*). Furthermore, Johnson teaches if the source machine's address is in the target machine's local candidate configuration and the target machine satisfies the performance criteria predicate, the target machine transmits an acknowledgment back to the source machine (*col. 7, lines 4-7*).

Larsson'071 continues to teaches connecting each computer to a respective transaction database (*Fig. 1, computer 1 coupling to databases 2, 3, and data program storage 5*) wherein each of the transaction databases includes a pre-determined number of transactions that correspond to the transaction references, wherein each transaction is in the form of part of a data program for executing said communications services, said wherein the transactions include instructions relating to said services to be executed by the data system (*a first storage device 2 which is caused to contain a*

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predetermined number of so-called transactions in the form of parts of a data program.

In the present context, a transaction implies a program instruction or statement which upon execution in the computer 1 means that it performs a function, page 3, lines 16-22);

initiating fetching of transactions for execution in the data system in response to a telephone call incoming to the first computer system, wherein the call includes an information part in the form of an identification of a caller and an indication of the type of call (*Larsson'071 lists table of Code and Transaction on page 5 and also describes the fetching of the mentioned transactions in table 5, the computer system thus performs a service in which if the subscriber does not reply, the service is initiated with TRS 1. The call is then forwarded first to telephone number xxxx and then to telephone number yyyy after 30 seconds. The call is terminated in the absence of any reply, page 5, lines 8-13).*

As of now, Larsson'071 has disclosed and met all of the demands from the current application in terms of execution environment, program instruction/statement, data program for performing service, transaction reference, forming of the data program with the predetermined telephone number, and identity of the caller (subscriber number to perform the telephone service).

Larsson'071 does not explicitly teach, as examiner already admitted above, the transmission of information part from the first computer to the second computer.

Johnson clearly teaches the transaction taking place between a plurality of machines as referred to fig. 6 where fig. 6 describes the flow function of software performance "the source machine transmits a request message to the target machine of

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the line fetched at block 73 and waits for a response, at block 77. The request message contains a correlation handle and a null predicate which will always be true. This allows validation that the target's level candidate configuration permits the source to spawn programs there. If, at decision block 79, the target machine responds with "is not available", then an unavailable error is reported at block 81 and processing continues at block 73. If, at decision block 79 the target machine is available, (i.e., target local candidate configuration contains source address), then the source machine validates the syntax and semantics of the associated predicate at block 83, *(col. 8, lines 41-52. See the entire document for various embodiment teachings on the transmission between the two computers/machines).*

Therefore, it would have been obvious to the ordinary skilled artisan at the time the invention was made to incorporate the teachings of Johnson into the teachings of Larsson '071 for the purpose of providing the capability to a computer or a machine (such as machine 13) can cause a program to execute on any qualified computer or machine in the network.

As to claims 2-3, Larsson'071 teaches the method including the steps of: identifying caller *(i.e., read the calling number, page 4, line 21; subscriber number is sensed, or read, the computer system is caused to fetch said transactions through the medium of said codes and to execute said transactions and therewith perform said service, See abstract)* the type of call, and the service called for, and fetching transaction references from said communications database for executing the service. Furthermore, the method including the step of transferring transaction references for the

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execution of a given service from one computer to another computer within the data system (*page 4, lines 20-31, such as subscriber number to perform the telephone service*).

As to claim 4, Larsson'071 does not explicitly teach all computer systems to have mutually the same execution environment.

Johnson teaches including the step of providing for all computer systems to have mutually the same execution environment (Johnson, a machine 13 can cause a program to execute on any qualified machine 13 of the network. A qualified machine is one that meets specified performance constraints and is configured to accept programs spawned from another machine in the network, col. 3, lines 12-16).

As to claims 5-6, Larsson'071 teaches a method including the step of providing a communications database containing references to transactions stored in the transaction databases. Furthermore, Larsson teaches a method wherein the communications database includes references to transactions (*see table 1 on page 5*) relating to additional services for subsequent execution in response to a requested communications service (*i.e., steps of read, collect, fetch, analyze... pages 4, line 25 – page 5, line 6*).

Cited Related Prior Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Nitta (US Pub 2003/0009601) teaching the execution files is accessible to plurality of computers.

Response to Arguments

Applicant's arguments, with regards to claims 1-7 filed 10/06/2008, have been fully considered but they are moot in view of new ground of rejection.

CONCLUSION

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number

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is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614

/Phung-Hoang J Nguyen/
Examiner, Art Unit 2614